

**VILLAGE OF MT. ZION
MACON COUNTY, ILLINOIS**

Ordinance No.
2017-16
DELETING IN ITS ENTIRETY CHAPTER 96, RECYCLABLE MATERIALS AND
AMENDING CHAPTER 97, REFUSE REMOVAL OF THE VILLAGE OF MT. ZION, ILLINOIS

CERTIFICATE

State of Illinois)
)
)
County of Macon)

I, Dawn Reynolds, duly appointed Village Clerk of the Village of Mt. Zion, Macon County, State of Illinois, and as such, custodian of all Village records, do hereby certify that the attached Ordinance No. 2017-16, is a true and correct copy of AN APPROVED ORDINANCE OF THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS that was adopted by the Mt. Zion Village Board on June 19, 2017.

In witness whereof, I hereby set my hand and affix the seal of the Village of Mt. Zion on this 19th day of June, 2017.



Dawn Reynolds
Dawn Reynolds, Village Clerk

ORDINANCE NO. 2017- 16

ORDINANCE DELETING IN ITS ENTIRETY
CHAPTER 96, RECYCLABLE MATERIALS AND
AMENDING CHAPTER 97, REFUSE REMOVAL
OF THE VILLAGE OF MT. ZION, ILLINOIS

WHEREAS, the Village of Mt. Zion desires to delete in its entirety Chapter 96, Recyclable Materials of the Ordinances of the Village of Mt. Zion; and

WHEREAS, the Village of Mt. Zion desires to amend Chapter 97, Refuse Removal to include a new program that includes recyclable materials, refuse removal and yard waste removal in the Village of Mt. Zion.

NOW THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Chapter 96, Recyclable Materials, of the Ordinances of the Village of Mt. Zion is hereby deleted in its entirety and shall now read as follows:

Chapter 96 RESERVED

SECTION 2: Chapter 97, Refuse Removal shall read as follows:

S 97.01 Policy.

It is the policy and purpose of the provisions of this Chapter, and it is hereby determined to be necessary thereto, in order to protect the health, safety and welfare of the people of the Village, to provide a coordinated Village-wide curbside program for the safe, economical and efficient storage, collection and removal of refuse, and to insure adequate standards of basic service for the same, and this Chapter shall be liberally construed for accomplishing these purposes.

The curbside program shall consist of refuse, recycling and yard waste collection. Refuse and recycling collection shall be conducted year-round with yard waste being collected for at least eight months (April – November).

Refuse shall be provided twice per week on established days of the week as determined by the licensee. Recycling shall be once per week on an established day as determined by the licensee. Yard waste collection shall be once a week beginning April 1st and ending November 30th each year on an established day as determined by the licensee.

S 97.02 Definitions.

As used in this Chapter, unless context otherwise requires, the following words or phrases shall mean:

"Basic Removal Service." Twice weekly refuse removal other than landscape waste, with one weekly removal of landscape waste and one weekly removal of recyclable materials.

"Commercial." All that which is not residential.

"Dwelling." Any occupied single-family residence and any duplex residence containing not more than two units.

"Garbage." Refuse resulting from the handling, processing, preparation, cooking and consumption of food or food products.

"Hauler or Licensee." The entity authorized by the Village to collect refuse, recyclable materials and yard waste.

"Landscape Waste." All accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees.

"Recycling Program". A comprehensive program in which citizens are provided with the opportunity to have recyclable materials collected from their dwellings and recycled.

"Refuse." Any discarded matter, including but not limited to garbage, sweepings, landscape waste, paper, cardboard, tin cans, ashes, bottles and similar other accumulations, but excluding special waste as defined by the Illinois Pollution Control and waste from the construction or demolition of structures.

"Residential." Premises occupied by six or fewer living units. Routes predominantly serving residential premises. Areas prominently consisting of residential premises. Refuse produced on residential premises.

"Yard Waste." Grass, grass clippings, bushes, shrubs, trees and clippings from bushes, shrubs and trees that comes from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands.

S 97.03 Rules and Regulations.

(A) The provisions hereof shall be administered under the supervision of the Village Administrator who is hereby authorized and directed to promulgate reasonable rules and regulations to facilitate the administration of refuse removal and to carry out the intent and purpose thereof.

(B) The Village Administrator is further authorized to modify the terms and conditions of removal service for licenses in residential areas. Such modifications may require the separation of refuse by the producer thereof, and may vary the placement of container for said refuse and the frequency of collection thereof, but no such modification may reduce the number of refuse collections to fewer than one per week.

S 97.04 Accumulation of Refuse.

Refuse shall not be allowed to accumulate on any premises in the Village.

S 97.05 Temporary Storage of Refuse.

Refuse may be temporarily stored at the premises where produced only while awaiting the normally scheduled periodic removal.

S 97.06 Manner of Storage.

Storage and removal of refuse shall be in such manner as to not create vector production or sustenance, or conditions for transmission of disease to man or animal, fire hazards, litter or hazards to service or disposal workers or the public.

S 97.07 Clean Containers.

Garbage temporarily stored shall be kept only in approved containers kept clean and closed.

S 97.08 Approved Containers.

(A) Approved containers for refuse other than landscape waste are the following:

(1) Metal or impact resistant plastic water-tight cans of not less than 15 or more than 50 gallon capacity with tight fitting lids and at least two opposing exterior handles; or,

(2) 95/96 gallon refuse toter; or

(3) Water-tight bulk containers with tight fitting covers.

(B) Approved containers for landscape waste, other than limbs, branches and wood, are the following:

(1) 33 gallon paper bags designed for composting purposes; or,

(2) Metal or impact resistant plastic water-tight cans of not less than 15 or more than 50 gallon capacity with tight fitting lids and at least two opposing exterior handles marked with an approved yard waste only sticker.

(C) Approved containers for recycling are the following:

(1) 60-65 gallon impact resistant plastic water-tight can with an attached lid.

S 97.09 Container Weight.

Approved containers, except bulk containers, shall be so filled as not to exceed 60 pounds total weight.

S 97.10 Point of Collection.

Refuse, recyclable materials and yard waste shall be collected from receptacles placed at the curb (or edge of pavement where there is no curb) of the public street in front of the residence to be served.

In the event that it is not practical for refuse, recycling and yard waste material to be collected directly from the curb/edge of pavement at a property or in a specific development, the Licensee shall work with the customer on a resolution and notify the Village.

S 97.11 Bulk Containers.

All bulk containers and detachable units shall be at all times kept in a place easily accessible to private contractors and shall at all times be kept clean, neat, painted and in a good state of repair. However, no bulk container or detachable unit shall be stored in front of a business, residence, in front of the building line closest to the street or on a public right-of-way. Commercial establishments leasing said containers or units shall be responsible for notifying the company from whom they are leasing said containers or units that they are in need of repair. Owners or lessees of bulk containers or portable packing units shall be responsible for notifying their service contractor of any damaged conditions. Said containers and units shall at all times be kept in a place safely accessible to collection personnel and shall at all times be kept clean, neat, painted and in a good state of repair. All doors and lid springs must be in working condition. Container lids must be kept closed at all times. Cleaning up spilled materials shall be the responsibility of the property owner or occupant.

S 97.12 Location of Container.

Refuse containers on private property, for other than landscape waste, shall be placed and kept at all times either within or adjacent to a building at a location which does not front or face any public street, but which location may front or face an alley.

S 97.13 Spillage.

To avoid spillage, all garbage shall be thoroughly drained of surplus liquid before being placed in containers.

S 97.14 Minimum Recycling Materials to be Collected.

The licensee shall allow recycling materials to be comingled (i.e. plastic, glass, metal and paper products mixed together). The licensee shall provide written preparation requirements/instructions to each household participating in the recycling program including rinsing, removal of labels, flattening and removing caps and lids.

The licensee shall collect the following materials at a minimum:

Non-Paper Items

- Cloudy white HDPE (#2) plastic milk and water jugs
- Colored HDPE (#2) plastic blow molded containers
- PETE (#1) plastic blow molded containers
- LDPE and HDPE soft plastic 6 & 12 pack rings
- Brown, green and clear glass containers
- Aluminum formed containers and wrap
- Steel/bi-metal cans
- Aerosol cans

- Formed steel containers
- Aluminum cans
- Aseptic packing and gable-top containers

Paper Items

- Corrugated cardboard
- Chipboard (Paperboard)
- Newspaper (ONP)
- Magazines and catalogs (glossy & non-glossy)
- Telephone directories
- Brown kraft paper bags
- Frozen food packages
- Mixed paper
- Wet strength carrier stock

The aforementioned materials shall be referred to as the basic recycling package. The licensee may accept additional recyclable materials as part of their proposed minimum recycling package at no additional charge to the Village of Mt. Zion residents.

S 97.15 Ashes.

All ashes, chips and briquettes shall be thoroughly extinguished before being placed in containers.

S 97.16 Limbs and Branches.

Limbs, branches and wood which are set out for removal shall be tied securely in bundles not to exceed 48 inches in length or 35 pounds in weight. Such approved bundles shall be placed within three feet of the curb or alley line, dependent on the nearest location to the established removal route, no earlier than 24 hours before the established removal time.

S 97.17 Grass Clippings.

Landscape waste, other than limbs, branches and wood, shall be placed in approved containers within three feet of the curb or alley line, dependent on the nearest location to the established removal route. Such approved containers may be so placed no earlier than 24 hours before the established removal time.

S 97.18 Tampering With Container.

No person, firm or corporation, except the owner or occupant of the premises whereon the same is produced, or a licensee hereunder authorized so to do, shall take, tamper with or remove the contents of any refuse container awaiting removal or any receptacle provided for the disposal of refuse by the public generally.

S 97.19 Use of Other Container.

No person, firm or corporation shall use receptacles of another producer or those

provided for the disposal of refuse by the public generally as a primary means of refuse removal.

S 97.20 Service Required.

Each licensee shall provide service to all residential producers in each residential area served under such license unless said producers are delinquent in the payment of any fees for such service, as authorized hereby, or are otherwise in material breach of the provisions of this Chapter or any other applicable law or ordinance or are in material breach of any lawful agreement between said owner and licensee and/or said owner has materially breached the refuse removal rules and regulations.

(A) Payment Required

All owners of residential premises in the Village shall subscribe to, and be a customer of, the licensee for refuse removal for the residential area containing said premises, as described herein, and it shall be unlawful, and a violation of this section, for any such owner to fail at any time to be fully and lawfully entitled to receive refuse removal service from such licensee. It shall be a defense to any prosecution for a violation hereof that the licensee from whom the property owner is required to receive service has failed to provide such service in material breach of the provisions of this Chapter or any other applicable law or ordinance, or in material breach of any lawful agreement between said owner and licensee.

S 97.21 Commercial Premises.

Basic removal service shall be provided, either by the owner or occupant thereof, or by a licensee hereunder, at all commercial premises in the Village where refuse is produced.

S 97.22 Vehicles.

All vehicles shall display the name of the Contractor, a phone number and a vehicle identification number, which are clearly visible on both sides of the vehicle. No vehicles used in and on the streets of the Village for the removal of refuse shall be overloaded nor shall such vehicles be parked in any one place while fully or partially loaded for any longer than is necessary to collect the refuse of the person being served. All such vehicles shall be fully enclosed, leak proof and operated in such a way that as not to permit the sifting out or spilling or scattering by the wind or leakage of any refuse hauled or transported, and such vehicles shall be kept thoroughly cleaned so that when empty they will give off no offensive or obnoxious odors.

S 97.23 Scavenging.

(A) No person, firm or corporation shall remove refuse from any premises within the Village without a current license issued pursuant to the provisions of this Chapter, provided that the owner or occupant of commercial premises whereon such refuse was produced may remove the same.

S 97.24 Application.

Application for a license and renewals thereof shall be made upon forms prescribed by the Village Administrator. The applications shall contain:

- (A) The name and address of the applicant;
- (B) The trade or other fictitious name, if any, under which the applicant does business or proposes to do business;
- (C) The location of the place or places from which the removal service operates or is intended to operate, and a description, in such form and with such reasonable detail as may be prescribed by the Village Administrator, of the boundaries of any residential area in the Village to be served under such license, or, if only commercial producers will be served, a statement to that effect.
- (D) A description of each vehicle which the applicant operates or intends to operate within the license year, including the make, model, year of manufacture, serial number, and the length of time the vehicle has been in use.
- (E) Such other information as the Village Administrator may reasonably require in the administration of the provisions of this Chapter.
- (F) The licensee shall procure and maintain the following minimum insurance coverage:
 - Worker's Compensation Insurance as prescribed by the laws of the State of Illinois
 - Employer's Liability Insurance, with limits of not less than \$1,000,000 per occurrence
 - Comprehensive General Liability Insurance and Comprehensive Automobile Liability Insurance, with limits of not less than \$1,000,000 combined single limit per occurrence, and \$2,000,000 aggregate
 - The licensee shall include the Village, its officers, employees and agents as additionally insured on any of the foregoing policies. The Licensee shall also furnish the Village a Certificate of Insurance attesting to the respective insurance coverage each year.
 - The Village shall receive written notice of cancellation or reduction in any coverage on any insurance policy within 45 days prior to the effective date of the cancellation or reduction.
- (G) The Licensee shall be responsible for obtaining all licenses and permits necessary. The licensee shall pay all Federal, State and Local taxes including sales tax, social security, workers compensation, unemployment insurance and any other tax which may be chargeable against labor, material, equipment or real estate.

(H) The Licensee shall comply with all applicable Federal, State and Municipal laws, ordinances, rules and regulations governing the collection, disposal and processing of refuse, recyclables and yard waste.

(I) The Licensee shall maintain complete and accurate books, records and accounts showing its total monthly/quarterly billings for the collection service in the Village, and gross receipts for the sale of recyclable materials. Such books and receipts shall be made available for examination and audit by the Village at any time during business hours.

(J) The Licensee shall be solely liable for all fines and penalties imposed by the Village or any other governmental agency resulting from the Licensee's performance or its failure to perform its duties and obligations.

S 97.25 Number of Licenses and License Fee.

The Village shall issue three residential licenses. The Administrator may issue additional licenses for commercial basic removal service only, after the applicant has shown that they can comply with all regulations within this chapter. All applications for licenses or renewals thereof shall be accompanied by an annual fee of \$250.00, which license year shall commence January 1, and end the following December 31. Where the Village Administrator approves the transfer of a license, the new licensee shall submit a transfer fee, which shall be calculated by prorating the annual fee of \$250.00 as of the date the Village Administrator approves the transfer.

S 97.26 License Meeting.

Within a reasonable time after an application for original license is filed with the Village, the Village Administrator shall hold a license meeting to determine that the applicant is ready, willing and able to fulfill the terms of this ordinance and the associated rules and regulations.

S 97.27 Report of License Meeting.

The Village Administrator may consider that which is submitted concerning any item contained within such applications; the experience and responsibility of the applicant; the effect the proposed service may have on the general health, safety and welfare of the community; and such other matters as may appear to the Village Administrator to be germane. Following the meeting, the Village Administrator shall grant or deny the license request in writing. The written findings shall state:

- (A) Whether or not the public is at the time reasonably adequately served.
- (B) Whether or not the proposed service, location, personnel, equipment, vehicles and operation comply with the provisions of this Chapter.
- (C) Whether or not the license applied for should be granted or denied.

S 97.28 Review By Board of Trustees.

Any party aggrieved by the conclusions of the Village Administrator as to whether or not a license should be granted may within ten days from the date of such report is filed with the Village Board of Trustees, file a request with the board of trustees to review findings in said report, thereafter the board of trustees shall consider the report and may make or cause to be made such additional investigation or inquiry as it deems advisable, where after the Board of Trustees may make such determination in the matter as appears to it to be in the best interest of the general health, safety and welfare of the community.

S 97.29 Requirements For License.

A license for the removal of refuse, recyclable materials and yard waste shall not be issued unless the applicant for the same shall have and own proper and necessary vehicles, machinery and appliances for transporting and disposing of refuse, recyclable materials and yard waste in conformity with the provisions hereof and with all applicable traffic, health and sanitary ordinance, statutes, regulations or rules of the State of Illinois, the County of Macon and the Village of Mt. Zion. Such a license shall not be issued to any applicant who has been convicted of the violation of any health or sanitary rule, regulation, ordinance or statute of said State, County or Village.

Each licensee shall provide the following to all customers within the Village of Mt. Zion corporate limits at the price established by the Village Administrator:

- 1) Refuse removal twice weekly.
- 2) Recycling removal once weekly.
- 3) Yard waste removal once weekly (seasonal beginning each year April 1st and ending no earlier than November 30th).
- 4) Furnish upon customer request a 64/65 gallon recycling toter at no additional charge.

S 97.30 Reporting Requirements.

Refuse: A monthly report on the status of the refuse collection program, including an account of the volume of refuse collected each month and the disposition of same, and summaries of any problems encountered with the program's implementation.

Recycling: A monthly report on the status of the curbside recycling program, including the volume of recyclable materials collected and deposited at any and all material processing facilities, the percent of homes participating, revenues collected from or fees paid to the material processing facilities and summaries of any problems encountered with the program's implementation.

Yard Waste: A monthly report on the status of the yard waste collection program, including the volume of yard waste collected and deposited at each yard waste processing facility, and summaries of problems encountered with the program's implementation.

Delinquent Customer: A quarterly report will be provided to the Village of any and all customers who are more than 90 days delinquent and any customers whose service has been terminated due to non-payment.

S 97.31 Closed Vehicles.

All vehicles used by licensees hereunder to collect and haul refuse shall be closed, non-leak able packer-type motor trucks, equipped with a mechanism that is designed in such a way that the entry of refuse into the vehicle's body will be exposed only for the time actually required to deposit the refuse. The exterior of such vehicles shall at all times be kept neatly painted and the exterior and interior of such vehicles shall be kept thoroughly washed and cleansed with a suitable deodorant at all times.

S 97.32 Inspection of Vehicles.

All vehicles used by licensee hereunder to remove refuse are subject to inspection at the discretion of the Village Administrator and at reasonable hours to assure conformance to the requirements hereof.

S 97.33 Collection of Refuse.

Licensees hereunder shall make collections with a minimum of noise and disturbance to the customer. Refuse containers shall be handled carefully and shall be thoroughly emptied and then left where they were placed for collection. Any refuse spilled by the licensee shall be picked up immediately and the area left clean. In those areas of the Village in residential zoning districts as established and provided by the Zoning Ordinance, or upon streets and alleys lying within said districts or next and adjacent thereto refuse shall be collected by licensees hereunder between the hours of 6:00 a.m. and 6:00 p.m.; no refuse shall be collected between the hours of 6:00 p.m. and 6:00 a.m.

S 97.34 Licensee Telephone.

Each licensee hereunder shall maintain an office and telephone service, which the telephone number shall be plainly be denoted on all vehicles required to be tagged under the provisions hereof and in the local phone directory. Such licensee shall maintain reasonable office hours.

S 97.35 Billing.

Licensees hereunder shall bill their customers on a regular and consistent basis, but not more frequently than once every month. The rates charged may not exceed the rates set by the Village Administrator.

S 97.36 Unique Services.

Nothing in this Chapter shall prohibit a licensee from, by agreement with a party served, establishing a price for unique or unusual services, other than regular haulage of things other than refuse or for customized removal of refuse in amounts greater than, or at frequencies more often than, that included in regular service for which rates are established hereunder.

S 97.37 Annexation.

Territory annexed to the Village shall be added to the area of the then current licensee that can more conveniently and efficiently serve such territory, the determination of which, if not reached by agreement, shall be made by the Village Administrator.

S 97.38 Revocation of License.

(A) The Village Administrator shall have the authority to approve or disapprove the transfer of a license issued under this chapter. To initiate a transfer, the proposed new licensee shall complete and submit to the Village Administrator an application in conformance with S 97.24 of this chapter. In addition to the application, the existing license holder must submit a written agreement whereby the existing license holder agrees to either transfer the license to the applicant or terminate the existing license. Thereafter, a license meeting shall be held pursuant to S 97.26 and a report issued by the Village Administrator pursuant to S 97.27. The decision of the Village Administrator is final and subject to review only by the Village Board of Trustees. An appeal may be obtained by filing a petition with the Village Administrator if a majority of the Village Board of Trustees determine that the Village Administrator acted in bad faith in approving or denying the transfer. A proposed new license shall satisfy all prerequisites and requirements necessary to be licensed under this chapter. The license year of the transferred license shall expire on the following December 31.

(B) A license does not constitute property and shall not be encumbered or hypothecated. A license shall not descend by the laws of testate or intestate succession, but shall cease upon the death of the individual licensee unless the executor or Administrator of any deceased license whose estate consists, in part, of the business of refuse removal, may, under order of the appropriate court, continue the business of refuse removal under the license until the earlier to occur of the passage of 6 months after the death of the licensee, or the expiration of the license year. Likewise, in the event that a partnership which is a licensee is terminated by reason of death, insolvency, removal, adjudication of bankruptcy, or mental incompetency of a partner, the surviving or remaining partner(s), as agents then qualified to become a licensee under this chapter, may apply for the transfer of the license held by the former partnership to a new partnership in which they are the only partners, or to one or more of the partners as individuals, or to a corporation as the transferee, if otherwise qualified, as required under this chapter. If a corporation is a licensee, its president or chief executive officer is obligated to report any changes in the officers, directors or in the ownership by any person or more than 5% of the corporation's issued and outstanding shares. Likewise, the corporate officer shall promptly report any change in the operative control, through change in the ownership of stock, or otherwise, of the corporation. The report shall be transmitted in writing and shall be filed in the office of the Village Administrator, who shall consider the information disclosed, and shall make such further investigation in order to determine whether or not the change in the ownership or control of the corporate licensee may affect the quality, makeup, financial responsibility, accountability, or performance of the licensee under the covenants, representations, and conditions of its license and its application for the license, or renewal thereof.

(C) An attempted transfer in violation of the provisions of this section may result in an immediate forfeiture of the license.

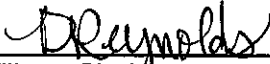
S 97.99 Penalty.

A person, firm or corporation upon conviction for violation of any of the provisions herein shall be fined not to exceed Five Hundred Dollars (\$500.00) for each offense, and each day of a continuing violation shall be deemed a separate offense. The penalties or remedies provided herein shall be cumulative and resort to any one or more shall be no defense to prosecution of another.

SECTION 3: This Ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

PASSED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MT. ZION, MACON COUNTY, ILLINOIS, ON THE 19th DAY OF JUNE, 2017.

FRITZSCHE	<u>ABSENT</u>	KERNAN	<u>YEA</u>
SCALES	<u>YEA</u>	JOHNSON	<u>YEA</u>
MOSE	<u>ABSENT</u>	MENDENHALL	<u>YEA</u>



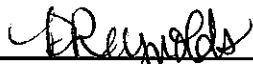
Village Clerk

APPROVED:



Village President

ATTEST:



Village Clerk